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THE
T R I A L
O F

Mrs. *B R A N C H*,
A N D

Her D A U G H T E R,

For the M U R D E R of *mo*

J A N E B U T T E R S W O R T H,

B E F O R E T H E

Hon. Mr. Justice *Chapple*, *man*
made

A T

SOMERSET Affizes, *March* 31, 1740.

With a P R E F A C E,

Containing an exact Account, taken from the
Persons who saw the L I G H T S in *Hemington*
Church-Yard, the Night before the Corpse was
taken up, and the true Motives for taking up
the Corpse.

To which are added, *more*

True Copies of some very material I N F O R M A T I O N S,
taken before *Joseph Houlton*, and *Robert Smith*,
Esqrs. Justices of the Peace.

W I T H

A just Account of the *Prisoners* Behaviour at their *Trial*;
at, and after *Sentence*; and at the Place of *Execution*.

L O N D O N:

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Temple-Bar. [Price Six-Pence.]

18102



T H E

P R E F A C E.

TH E Publick would have been sooner oblig'd with this, according to my Advertisement, but from some unforeseen Accidents that have interven'd : And another Account of this Trial having since appear'd in Print, stuffed with so many gross Mistakes and false Representations of the most material Facts, makes the Publication of this the more necessary now, to set this Matter in a true and just Light.

Mrs. Branch was born at Bristol, of honest industrious Parents : Her Father's Name was Parry, who was bred a Surgeon, and after some Time, using the Seas in his Profession, quitted that and became Master of a Ship, and in that Way acquir'd a handsome Fortune with a good Character, and gave his Daughter a sober and religious Education, and near 2000 l. with her in Marriage to Mr. Benjamin Branch an Attorney. Their Lives were not the most Happy, and his Death not without some

iv The P R E F A C E.

Imputations and strong Circumstances of Poison from her.

She had long labour'd under the Character of a most cruel Mistress, and her Daughter, under her Education and Example, imbib'd too much of her savage Disposition, from whence the good-natur'd Part of Mankind were inclin'd to hope she might have been pardon'd; and that this Check, if she had found Mercy, would have prov'd a Cure for the Prejudices she had receiv'd from her unhappy bringing up; and some of her most material Prosecutors offer'd her Friend, who was to intercede for her, to join in a Petition for that Purpose; and it is believ'd every one that was concern'd in the Prosecution would have done the same, if asked, their Prosecution proceeding merely from a just Abhorrence of so cruel a Murder, and not from any personal Malice, as the Prisoners on their Trial insinuated.

Their cruel Usage of their Servants render'd it difficult for them to get any among their Acquaintance, and the unhappy Girl, for whom they suffer'd, was decoy'd into their Service by John Lawrence, one of their Witnesses, from Bristol, and made to believe (tho' untrue) that
she

she was apprenticed to Mrs. Branch, that she might be the stronger confined to undergoe their Cruelties, which she often declared she would not have done but for that Belief, and having no Friends to fly to for Redress.

The Lights seen the Evening before the Body of the deceased was taken up, having made some Noise in the World, it may be expected some Notice should be taken of them.

John Clarke, a Butcher of Mells, saith, that as he was going to Hemington, Shrove Tuesday Evening, between Seven and Eight o'Clock, when he came near a House, called Dover-Castle, on the Hill above Hemington, he observed a Light ascend to a great Height, like a Sky-Rocket, and seem'd by his Guess to arise from Hemington Church-yard, and coming nearer the Brow of the Hill he observed a second, and going down the Hill he saw a third, and all burst with Reports like Sky-Rockets, and he imagined they had been really such; and being pretty near when he saw the last, says, that it seem'd to be fired from Hemington Tower; and having been 30 Years at Sea, is well acquainted with such Fire-Works, and was pleased to see the Country People perform so expertly as they appeared to him, and so he expressed himself

himself to the Family of Mr. Hill, the Rector of that Parish (Mr. Hill being then abroad) who, to his great Surprise, told him that no such Things had ever been play'd off there.

Richard Hawkins, Mr. Hill's Servant, saith, that as he was going to Bed, between Eight and Nine o'Clock the same Evening, his Chamber Window looking towards, and being very near the Church-yard, he saw a Light, (like that of a Candle of Six to the Pound) rise up from Jane Buttersworth's Grave, which after resting there some little Time moved to the Church Porch, and thence back to the Grave, and then disappeared.

But the true Cause of the taking up the Corpse sprang from the Enquiry Mrs. Branch made of the Sexton, how deep he had made the Grave, and if he had covered it in well, which made such an Impression on a Person that happened to be present, that he could not be easy till he had put it in Execution.

Some Expressions Anne James had dropt of the unhappy Girl's Death, and the well-known cruel Temper of Mrs. Branch were also great Inducements.

The Truth will be strictly pursued in what is here offer'd, and no material Occurrence in the Trial omitted, without troubling the Reader with any Remark on the many Falsities in what has been already published on this Occasion; excepting the Author's Impudence in forging and foisting into his scandalous Pamphlet a Letter from Betty Branch to Mr. Hill, who utterly denies the Receipt of any Letter from her, on this or any other Subject.

T H E

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T H E
T R Y A L
O F

Mrs. *Elizabeth Branch*,

A N D

Betty Branch, her Daughter.

IT being publickly known that Mrs. *Branch* had brought a large Sum of Money to the Assizes, and suspected that some of it had been offered to some of the *Travers* Jury, the Court was moved that the *Nisi Prius* Pannel might be called over, and a Jury taken from thence; but the Motion was denied, as not having been practised. After some Challenges a Jury was sworn, and the Prisoners tried on the following Indictment, *viz.*

Somerset.

The Jurors for our Sovereign Lord the King, upon their Oath do present, That *Elizabeth Branch*, late of the Parish of *Hemington*, Widow, and *Betty Branch* of the same, single Woman, not having the Fear of God before their Eyes, but being moved and seduced by the Instigation of the *Devil*, on the 13th Day of *February*, in the thirteenth Year of the Reign of our Sovereign Lord, *George* the Second, by the Grace of God,
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of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, with Force and Arms, at *Hemington* aforesaid, in the County aforesaid, in and upon one *Jane Bettersworth*, otherwise *Buttersworth*, in the Peace of God, and our said Lord the King, then and there being, then and there feloniously, voluntarily, and of their Malice afore-thought, did make an Assault; and the said *Elizabeth Branch* and *Betty Branch*, with certain Sticks of no Value, which the said *Elizabeth Branch* and *Betty Branch* in their Hands, then and there had and held, the said *Jane Bettersworth*, otherwise *Buttersworth*, in and upon the Left Side of the Head, and the fore Part of the Head of her the said *Jane Bettersworth*, otherwise *Buttersworth*, then and there feloniously, voluntarily, and of their Malice afore-thought, did strike; and the said *Elizabeth Branch* and *Betty Branch*, with the Sticks aforesaid, to the said *Jane Bettersworth*, otherwise *Buttersworth*, in and upon the Left Side of the Head, and the fore Part of the Head of her the said *Jane Bettersworth*, otherwise *Buttersworth*, several mortal Blows and Bruises, of the Length of half an Inch, of the Breadth of one Inch, and of the Depth of one Inch, then and there feloniously, voluntarily, and of their Malice afore-thought, did give, of which said mortal Blows and Bruises the said *Jane Bettersworth*, otherwise *Buttersworth*, at the Parish of *Hemington*, in the said County, then and there did languish, by the Space of ten Hours, and of the mortal Blows and Bruises aforesaid, then and there died. And so the Jurors aforesaid do say on their said Oath, That the said *Elizabeth Branch* and *Betty Branch*, the said *Jane Bettersworth*, otherwise

otherwise *Buttersworth*, the said thirteenth Day of *February*, in the Thirteenth Year aforesaid, with Force and Arms, at *Hemington* aforesaid, in the said County, in Manner and Form aforesaid, then and there feloniously, voluntarily, and of their Malice afore-thought, did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity.

H A W K I N S.

The first Witness for the King was *Ann James*, whose Evidence cannot be more justly stated than by her Information given before a very worthy Magistrate.

Somersetshire. The Information of *Ann James*, Servant to Mrs. *Elizabeth Branch*, in the Parish of *Hemington*, in this County, taken upon her Oath before *Joseph Houlton*, Esq; one of his Majesty's Justices of the Peace for this County, this 26th Day of *February*, 1739.

Who, upon her Oath, saith, That she came to live with Mrs. *Elizabeth Branch*, at *High Church* in the Parish of *Hemington*, in this County, about *Michaelmas* last, where she lived together with *Jane Buttersworth* (who, as she has been informed, was an Apprentice to Mrs. *Branch* untill the 13th of this Instant *February*, the time of her Decease;) and that during all that Time according to the best of this Informant's Judgment and Observation, the said *Jane Buttersworth* behaved herself in an orderly civil Manner, always ready to the best of her Ability and Strength to obey her Mistresses Commands; and that she apprehends the said Mrs. *Elizabeth Branch*, and her Daughter *Elizabeth Branch*, to be very passionate People, and have seen them beat the said *Buttersworth*

several Times upon very slight Occasions. That upon *Tuesday* the 12th Day of this Inst. *February*, about Eight o'Clock in the Evening, her Mistress *Elizabeth Branch* the Elder, sent the said *Jane Buttersworth* to *Faulkland*, a Village about half a Mile distant from the House, to one *Anthony Budd*, to fetch Bran; upon her Return she told her Mistress they had no Bran.

And further saith, That *Wednesday* the thirteenth Day of this Instant *February*, about eight or nine in the Morning, *William Budd*, Son of the said *Anth. Budd*, came to their House to work, when this Informant asked him why he did not send the Bran last Night; to which he answered, *No Body came for any*; whereupon this Informant and *Elizabeth Branch* the Daughter, asked the said *Jane Buttersworth* whither she had been for the Bran or not the Night before, to which she answered she had; upon which the said *Elizabeth* the Daughter grew angry, and ordered this Informant to go to *Faulkland*, to *Anthony Budd's*, and fetch the Bran, saying then she should know the Truth; but before she went commanded her to get some Withy Twigs from a Tree near the House, which she did, and deliver'd her a small Handful, then went to *Faulkland*, (which was about Nine o'Clock) and was told by *Margaret, Anthony Budd's* Wife, that *Jane Buttersworth* had not been there the Evening before for Bran. That upon this Informant's Return she found the said *Elizabeth Branch* the Daughter, and the said *Jane Buttersworth*, in the Sheep-House, suckling the Calves; and that before she spoke to either of them, she perceived a Wound in one of *Buttersworth's* Arms, a little below the Elbow, and a great deal of Blood run from thence down her Arm and hand; *Elizabeth Branch* the Daughter asked her whither the Girl (meaning the said *Buttersworth*) had been for the Bran, or not; this Informant

Informant answering No, said to the Girl, *You desired me to tarry till the Maid came back, when I should know the Truth, but now you shall have it thoroughly*; and immediately beat her with her Fist about the Head, and pinch'd and pull'd her Ears; but she this Informant did not perceive any Blood about her Head at that Time. They all three went from thence into the Kitchen, where she this Informant saw two Rods lying in the Window, made out of the Witheys she had gather'd as aforesaid; and that then *Elizabeth Branch* the Mother came down Stairs, and she and her Daughter took each a Rod, the Daughter saying to the said *Jane Buttersworth*, *I will not lay my Hands on thee more for one twelve Months, for now I will make thee better or will make thee worse*; then the said *Elizabeth* the Mother bid this Informant lay the Girl down on the Floor, which she refused, saying 'twas better for them to send the Girl from whence she came, than so often to beat her; whereon the said *Elizabeth Branch* the Mother, and *Elizabeth* the Daughter, flung her upon her Face upon the Floor, the Girl begging to be spared and promising Amendment; *Elizabeth* the Daughter then kneel'd upon her Neck to keep her down, and both whipp'd her upon her Skin for a considerable Time, till she run with Blood; then *Elizabeth* the Daughter took off one of the Girl's Shoes, and beat her about the Breech and Hips with the Heel thereof, keeping her with her Knee on the Ground, and *Elizabeth* the Mother whipping her all the while.

This Informant further saith, that she desired them to forbear and let the Child alone, to which *Elizabeth* the Mother answered her, 'tis not your Business; but they did let her get up, and the Daughter kick'd her several Times; they then, both Mother and Daughter, took each a Stick that was at hand, and beat the said *Jane Butters-*
worth

worth very much about the Head and Shoulders in the same Kitchen, from whence she run, endeavouring to escape them, thro' the Hall into the Parlour, but they followed, beating her with the said Sticks back into the Kitchen, when this Informant perceived the Blood running very fast from the Fore-part of her Head down upon her Shoulder, but did not perceive any Blood about her Head until they beat her with the two Sticks; then *Elizabeth Branch* the Mother bid this Informant fetch a Pail of Water, which she did, and bid the Girl wash the Blood off from her Head, Face and Arm, which she made some Attempt to do, putting her Hand into the Water, and lifting them towards her Head could not do it; but let them fall as this Informant apprehends, for want of Strength, saying to *Elizabeth* the Daughter, Miss I cannot do it, and alter'd very much in her Speech and Countenance, looking pale and faint; whereupon they order'd this Informant to wash her: She did wash the Sleeve of her Shift and Gown; but that the Blood was then running from her Head upon her Shoulder; when *Elizabeth* the Daughter directed the said *Jane Buttersworth* into a Court just without the said Kitchen Door, and bid her scower a Kettle, to which she answered, yes Miss, and endeavour'd to go, holding her Head upon one Shoulder, and went out of the Door in a reeling Posture, and put her Hands into the said Kettle, but could not cleanse it, which the said *Elizabeth* the Daughter perceiving from the Kitchen Window, bid this Informant call her in again, and then both *Elizabeth* the Mother and the Daughter bid this Informant send her to dust out the Hall and Parlour: She gave her a Brush, and the said *Buttersworth* went into the Parlour leaning her Head to one Shoulder, and Groaning very much; soon after they ordered this Informant to

go and see what she was doing, she found her in the Parlour leaning against the Wall with her Head upon her Hand, and upon her desiring her to make Haste, she reply'd, crying Oh! *Ann*, my Head is as giddy as a Goose, and endeavour'd to sweep the Room, but could not, and seem'd to keep herself up from Falling, by leaning on the Handle of the Brush; upon her Return she told them the Girl was sweeping the Room, but was very bad, to which *Elizabeth Branch* the Mother reply'd, hang her she was cunning enough, and bid this Informant go to her again, and tell her if she did not make Haste, Miss would come and beat her again, for they wanted to go out; upon this Informant going again she found her in the Hall leaning against a large Tub, and upon her speaking to her, she reply'd, wringing her Hands, Oh! *Ann, Ann*, my Head is as giddy as a Goose, and endeavouring to walk, reel'd away and fell against the Partition or Side of the Room; this Informant returning told them, the Girl was very bad and not able to stand; upon which they bid her fetch her down (the Hall and Parlour being about three Steps up from the Kitchen) upon returning into the Hall she found the said *Buttersworth* leaning in the same Posture, and groaning very much, but did not speak, she led her down, but when she came to the Steps she reel'd against this Informant out of the Kitchen Door (which was near the said Steps) into the Court, where endeavouring to go, she turn'd round about leaning her Head on one Shoulder, and groaning very much: The said *Elizabeth* the Mother, and *Elizabeth* the Daughter came into the Court, and the Daughter said to the Girl I will cool thee, you was too hot just now, and took about half a Pail of cold Water, and threw it on her Head and Neck, after which they took her into
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the Brew-house, which is cross the said little Court, and bid her dust out the Room over-head, upon which the Girl desired this Informant to help her up for she could not go herself; when they came up into the Room, the Girl lean'd upon her Hands in the Window with her Head upon one Shoulder, and groan'd very much, but did not then speak; this Informant returning told them, that she believed the Girl was not able to sweep the Room, whereupon the said *Elizabeth Branch* the Mother went up and beat her very much, saying, I will make thee dust the Room, or I will break thy Neck down Stairs, upon which the Girl answer'd, I will, Madam; and upon her coming down she bid this Informant go to the Girl, and make her go to *Faulkland* for Hops, but when she came to speak to her she was sunk down upon her Breech on the Floor, and answer'd, I know the Way, and seem'd much alter'd in her Voice and Looks, which this Informant told the said *Elizabeth Branch* the Mother, that she apprehended the Girl had lost her Senses, to which she answer'd as before, she was cunning enough, do you make her come down and wash the Dishes; she found her in the same Posture, and told her what her Mistress said, upon which she answer'd in a very low Voice, I can't come down, upon which this Informant took her in her Arms, and brought her down into the Brew-house, and set her down by the Fire-Place, whither the Daughter brought a Pail of Water, and put by her, and bid her wash the Dishes, who answer'd in a low inward Speech, I will Miss, upon which *Elizabeth* the Daughter, in the Presence of the Mother, bid this Informant fetch some Salt, which she did about half a handful, and put it in the Window, the Daughter took the Salt in her Hand, and threatened the Girl, if she did not make Haste and wash the Dishes, she would

would salt her Breech for her, and make her hot again, to which she answer'd as before, looking very strange with her Eyes, and groaning, I will Miss, but made no Attempt to do it, not (as the Informant verily believes) being able to do it, nor to stand if she had been set upon her Feet; whereupon the said *Elizabeth Branch* the Daughter, in the Presence of the Mother, laid her down upon one Side, and rub'd her Breech, bloody as before with the Whipping, with the Salt, which the Girl took no other Notice of than to say in a low muffling Manner, I will Miss; after which they bid this Informant give the Girl some Bread and Cheese, she put some into her Hands, but did not see her offer to put it to her Mouth: But she the said *Jane Buttersworth* put both her Hands upon her Head and groan'd very much, but did not speak, nor seem'd to take any Notice of any Body, whereupon the Mother and Daughter bid this Informant make what Haste she could back.—

And further saith, that upon her coming back into the Kitchen, she found both the Mother and Daughter by the Fire, and the Girl lying upon the Floor before the Fire, and that the Cap that she had upon her Head, when she left her in the Brew-house, and was then very bloody was taken off, and a clean one put on; but that the Blood had run thro' that likewise; they told this Informant the Girl was very bad, whereupon she spoke to her, and called her by her Name; but she making no Answer, nor shewing any Sign of Life, she said to her Mistress, the Girl is dead, she reply'd, she is not, for I gave her a Dram just now, and desired this Informant to carry her up Stairs to Bed, she reply'd she could not, the Daughter then offer'd to help her, they carried her up between them, and put her into Bed; when this Informant put her Hand to her Mouth,

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and

and faith, that she believes there was a little Life remaining in her, and that *Elizabeth Branch* the Mother put her Finger into her Mouth, and said she would come to herself again; this was about Six o' Clock in the Evening: This Informant then was sent to *Faulkland* for Wine, and return'd about Eight, and went into the Room where the said *Jane Buttersworth* lay and found she was dead, and meeting *Elizabeth* the Mother, she asked this Informant how the Wench did, who told her she was dead, whereupon she call'd her *Welch Bitch*, and that she said so to excuse herself from lying with her, but soon after she persuaded this Informant to lye in the Bed with the Girl, otherwise she should have no Body to be within Call in the Night.

And further faith, that she did lye down in her Clothes, about 11 o'Clock, on one Side of the same Bed where the Corpse lay, and continued there till five next Morning, but never touch'd the Body.

This Informant further faith, that *Thursday* the 14th, after she had put her Mistress and Daughter into Bed, she told her that she and one *William Budd* must go and take measure of the Corpse for a Coffin, but caution'd her not to pull the Clothes off for *Budd* to see it, for she had many Bruises about the Body; that she might fling back the top Clothes and take the Measure upon the Sheet. And that when she and *Budd* were in the Room, the Sheet was turned back with the other Clothes enough for them to see one Leg and one Arm, which was very black and much bruised.

Further faith, that *Friday* the 15th after Dinner, *Elizabeth* the Mother in her own Bed Room order'd this Informant to warm some Lye to wash the Corpse, and asked her whether she had ever
done

done such a thing; upon her answering No, she reply'd we must do this ourselves, because she has a great many Bruises about her, and we must not shew them, whereupon this Informant, the Mother and the Daughter went into the Room where the Corpse lay, and this Informant wash'd it as well as she could without pulling off the Shift or Cap; that there was a great deal of Blood upon the Arm and Neck, and the Sleeve of the Shift, and the Side of the Face; that this Informant perceived another Wound on the other Leg and Arm that she and *William Budd* did not see when they measured the Corpse for the Coffin as before, and that there was a great deal of Blood upon the Cap.

And this Informant further saith, that upon the *Sunday* Morning next after, she, together with *Elizabeth* the Mother, and *Elizabeth Branch* the Daughter, and one *John Lawrence*, went to put the Corpse into the Coffin, when the said *Elizabeth* the Mother, flinging the Clothes from off the Corpse, immediately flung the Shroud over it, and bid this Informant put her Hands under the said Shroud and cut the Shift down the Body and Sleeves with a Scissar, and then the said *Elizabeth* the Mother, tyed the Shroud on the hinder-part of the Neck, and pulled off the Cap from the Head, and put on the Shroud-Cap, then slipped the Shift from under the Corpse, which was very Bloody, as well as the Cap; that they did not turn up the Corpse, but this Informant perceived the fore-part of the Top of the Head was very Bloody, and that the Forehead was very Red, and that the said *Elizabeth* the Mother, order'd this Informant to tie a black String very low upon the Shroud-Cap over the Forehead, that the said Redness might not be seen; and then she this Informant, and the said *John Lawrence* put the Corpse into the

Coffin, and that after she carry'd, by Order of *Elizabeth Branch* the Daughter, the Bloody Shift, Cap, and Handkerchief, into a Room called the Apple-Room, where the said Daughter lock'd them up ; that the Corps was buried the Evening of the same Day, and further saith not.

Sworn the above mentioned, the 26th Day of February, 1739, before me,

JOS. HOULTON.

her

Ann ☐ *James*

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Several Gentlemen look'd over this Information, whilst *Ann James* was giving her Evidence at the Trial, and all agreed there was not the least material Variation.

Ann James on being cross-examin'd by the Prisoners Council, denied that her Mistress ever threatned to turn her away for beating the Girl, and being asked why she had not prevented her Mistresses from carrying on their Cruelties to the Girl, said, she often interpos'd, put herself between them, and beg'd them to cease; and was often by them called cursed *Welch* Bitch, told she was a Servant, and they her Mistresses, and bad to Mind her own Business, and not interrupt them; and being ask'd, whether she did not deny before the Coroner and Jury, that her Mistresses had beat or kill'd the Girl, said, she never did deny it.

Francis Coombes, the Clerk and Sexton of *Hemington*, deposed, that *Friday* Morning and not before, *William Budd* came to him from Mrs. *Branch*, and bad him toll the Bell, tho' the Girl died the *Wednesday* before, and that it is usual to toll the Bell for Persons dying in that Parish, immediately if in the Day time, or early next Morning, when they dye in the Night.

That *Sunday* Evening, after the Corpse was interr'd, Mrs. *Branch* asked him how deep he had buried it, who answer'd something more than a Yard; she said, that was not deep enough; he said it was deeper than he usually buried there, that he had digg'd into the Rock; then she ask'd him if he had cover'd it in well, he answered he had.

Robert Carver and *John Marchant* depos'd, that there being a Rumour that the Deceased was murder'd, they got the Key of the Church under a Pretence of ringing *Asb-Wednesday* Evening, about
Nine

Nine o'Clock, they, with some others, took up the Corpse, carried it into the Church, and open'd the Coffin, which they did with great Difficulty, it being fastened with several large Nails; but before they took off the Lid sent for *Mary Vigor*, *Betty Marchant*, and other Women to inspect the Body, intending, if no Marks of Violence appeared upon it to put it down again, and say nothing of it. When the Women came the Men withdrew to the other End of the Church.

Mary Vigor and *Betty Marchant* depos'd, that they found the Body greatly bruis'd and wounded, and thought it came by a violent Death.

Then *Carver* and *Marchant* depos'd, that they put the Lid on the Coffin, lock'd up the Corpse in the Church, and carried the Key to *John Cradock*, the Church-Warden, and that next Morning *Carver*, with other Parishioners, and the Constable, took up the Prisoners.

John Marchant depos'd, that when he took up Mrs. *Branch* and her Daughter, he asked Mrs. *Branch*, who laid out the Corpse? She answer'd, ourselves; then ask'd her, why she had not sent for Women as usual? she said she liv'd by bad Neighbours, and nobody would come; then ask'd her if she saw no Wounds on the Body? She answer'd, No.

Doctor *Salmon* depos'd, that he went with the Coroner and some of the Jury, and saw and examined the Body twice, observed a violent Bruise on the *Os Frontis*, which he felt, and it was soft to the Touch without any Resistance, both Tables of the Skull broken, a Wound a little above the Temple Bone; and saw the Coroner handle

it, who said he had before put his Instrument into it, and believ'd that to be the most dangerous, and saw another Wound above the *Coronal Suture*, which he did not think so bad as the others, and having observed the Bruise and the other Wound, both which he judged mortal, did not curiously observe the latter. Also observed in the Region of the Loins a large Contusion, into which he saw a Man put his Thumb, and turn it about, and look'd upon that to be a dangerous Wound, and very difficult to have been cured.—Observed her Fingers on one Hand with the true Skin beat off, so that he saw the *Flexor Muscles* and *Tendons* bare, the Anguish whereof, with the other Wounds, he thinks might have been mortal; her Back, Arms, Thighs, and Legs very greatly bruised, scarce any Part but the Breast and Belly free, and in general appeared to have been so barbarously and inhumanly used, that it was enough to have killed the stoutest Man. — That he apprehends there must have been a vast Effusion of Blood from the Appearance of some of the Wounds being pale and of a Cherry Colour; and that they must be given, when the Blood was low, for Wounds given in a Plethorick State will be livid and blackish. That the Wounds must be given in Life, and whilst the Blood was in its Course of Circulation, for when that is ended no Wound or Bruise will make any Alteration of Colour in the Flesh.

Mr. *Richard Ames*, and Mr. *James Grant*, who were of the Jury on the Coroner's Inquest, deposed they saw the Wounds and Bruises, and that they put their Fingers near an Inch deep into the Wound above the *Coronal Suture*.

Mr. *William Palmer* deposed, that Mrs. *Branch* sent for his Father-in-Law Mr. *Harris*, a Surgeon and Apothecary of *Bradford*, to inspect the Body on her Behalf, or if he (being aged) declined coming, to recommend some other Person, who sent Mr. *Palmer* the Witness, who was bred under him, and when Mr. *Palmer* came, he asked her how she thought the Girl might come by her Death, and whether they did not beat her; both Prisoners owned they did beat her, and said if she had any Wound in the Head, it must be by a Fall with a Pail of Water, as she came into the Kitchen with her Head between the Durn of the Door and the Pail, and the Pail cut her Head, but owned they could not prove it, nobody being then in the House, but themselves.—That Mrs. *Branch* further said to him, the Neighbours had taken up the Body, and she believed had Malice enough to make the Wounds upon the Head since, to which the Witness answer'd, it would be easily discover'd, whether the Wounds were given in Life, or after Death; but if he was to view the Body he should be obliged to speak the Truth, as it should appear to him without Favour; and that if he went to the Assizes he should expect to be paid for his Journey, upon which she told him, she would not have him see the Body, paid him a Guinea for coming to her, and dismissed him.

Mrs. *Branch* cross-examined him, if he was not told before she dismissed him, that the Jury upon the Coroner's Inquest had brought in their Verdict *Wilful Murder*, Mr. *Palmer* answer'd that he was so told.

William Coombes depos'd, that while the Inquest was taking he went with the Constable and *Ann James*

James to search for the bloody Clothes, and *Ann James* shew'd the Apple-Room, where the same were put, and *Parry Branch* and *William Budd* went to the Room and unlock'd the Door; but there was none, nor could they find any of her Clothes in the House, but some Skirts of a Gown, which they said were the Girl's Sunday Clothes, that he then observed Blood by the Clock-Case in the Kitchen, and against the Brewhouse Door, and on the Floor of the Parlour; and then *Ann James* found two Sticks, and brought them away.

The Sticks were produced in Court, one was a Broom-Stick, and the other an Ash of above an Ell long, and being taper, was small at the one End, and larger at the other than any Part of the Broom-Stick, on the great End of which appear'd a small Mark of Blood, and *Ann James* deposed those were the Sticks with which *Mrs. Branch* and her Daughter beat the deceased; and added, that *Miss Branch* had bid her wipe away the Blood from the several Places in the House, lest they should say they murder'd the Girl.

Henry Butler deposed, that he lived sometime as a Servant with *Mrs. Branch*, and often saw her and her Daughter beat the deceased very cruelly with Sticks, and break her Head on slight Occasions.

And further depos'd, that of their savage Nature they often beat him very barbarously, and once till he belsh--t himself, that each of them took up some of his Excrement in her Hand, thrust it into his Mouth and made him eat it; but this Evidence was not admitted to be given at that Time, nor unless the Prisoners should call Witnesses to shew their kind Usage to other Servants,

which they did not attempt to do, or to produce any one Witness to their Character, or to impeach the Character of *Ann Williams*.

The Counsel for the King then thinking they had fully prov'd the Facts charg'd in the Indictment, and two Witnesses, viz. *Hannah Merefield*, and *William Beacham*, who could have prov'd many Acts of Cruelty from the Prisoners, to the Deceased, being spirited away, and having taken up a great deal of Time, declin'd troubling the Court with any further Evidence, tho' they had many other Witnesses there ready to have prov'd, that *Ann James* declared to several Persons that *Jane Butterworth* was dead, the same Evening she died, and that both the Prisoners spoke to *Anthony Budd* to nail up the Coffin, and stood by him whilst he did it, and two or three Times repeated their Directions to him to drive more Nails. That Miss *Branch* the Evening the Deceas'd was buried, being asked how long the Girl had been sick, answer'd, about three Weeks, of a Giddiness in her Head, but they did not mind it, 'twas Pity they had not, and said she would give 20 Guineas she was alive again, for she should want every Hair of her Head. That Mrs. *Branch* declared she suffer'd none but herself to correct her Servants, and that she had a good Character of *Ann James*, and would spend 500 *l.* rather than she should be hurt. That the Coroner declared at the Inquest there was no Occasion for sending for a Surgeon, for that the Blow on the Forehead was enough to kill an Ox, and that he never saw a Body so barbarously used.

The Prisoners Defence.

Mrs. *Branch* said she had several Witnesses to prove they were not Guilty, that all that was
 sworn

sworn against them was false, and a malicious Prosecution; then Miss *Branch* said, she had taken the Deceas'd into her Service when she was destitute of Friends, and cloath'd her when she was naked, and therefore could not be supposed to lift up her Hand against her.

John Lawrence depos'd that Miss hired and cloathed the Girl, and had always used her civilly as far as he knew or observ'd; that there had been some Differences between *Ann James* and the Girl, and that he saw *Ann James* strike her several Times; that her Mistress threatned to turn her away for it; that he often heard the Girl complain of *Anne James's* ill-using her, and say she should live well enough if it was not for her; That he put the Girl in the Coffin, and that the Shrowd was put on in the usual Manner.

That he was present with Mrs. *Branch* and her Daughter when the Constable and Parishioners came to their House and took them up, and that they had timely Notice of it to have made their Escapes, if they had thought fit.

Thomas Wrentmore depos'd that some time before the Deceased's Death, he heard somebody cry in Mrs. *Branch's* Barton, but could not speak as to five or six Weeks; and being about the Length of the Assize-Hall from them, he saw *Ann James* take the Deceas'd by the Hair of the Head with one Hand, and strike her with the other with her Fist closed.

Anne Paradise depos'd that she often heard the Deceas'd complain of hard Usage from *Anne James*, but never from her Mistress,

Mr. *George Hayme* the Coroner swore that *Anne James* was first brought before him and the Jury on *Friday*, and again on *Saturday*; and that the first Time she came, and after she was sworn, being asked before him and the Jury if she knew who kill'd the Deceas'd, she answer'd, she could not tell; and being asked how the Deceas'd came by her Death, she answered, she did not know.

Thus having ended their Defence, after as candid a Trial as ever was heard, which lasted about six Hours, the Judge having sum'd up the Evidence to the Jury, they, after a short Consideration, without going out of Court, brought in their Verdict, *Guilty*; and it was observ'd that Mrs. *Branch* never in the least alter'd her Countenance during the Trial, or at her Conviction or Condemnation, but several Times kick'd *Mary Vigor*, one of the Witnesses against her, as she stood by her at the Bar whilst she was giving her Evidence.

The next Day at passing Sentence, Miss *Branch* complain'd to the Court of the Illegality of changing the Jury upon them (meaning those that were challeng'd); for said she, *If we had been try'd by the first Jury we had not been convicted.*

After their Return to their Lodgings, Mrs. *Branch* shew'd very little Concern at her Fate, but seem'd to comfort herself with the Thoughts of its being but a few Years shortening her Life. Miss *Branch* swoon'd away, and continued in that Condition about three Quarters of an Hour, and as the Gentlewoman at whose House they lodg'd was giving her a Dram to revive her, Mrs. *Branch* pull'd her back, and cry'd, *Zouns, what are you going*

going to do; had not she better die thus than live to be hang'd?

During their Confinement in Goal, after Sentence, Mrs. *Branch* behaved sullen, and seem'd to care more for the Provision of her Body than the Welfare of her Soul, and enquired much why the Hangman used to put the Knot of the Halter to the Left Ear. But Miss appeared to be very solicitous of her future State, and before her Trial being sometimes indulg'd by the Goaler to walk out with him to an House he had at *Lymington*, about a Mile from *Ivelcheſter*, and going thro' the Church-Yard of that Parish, she desired, if she should suffer for this Offence, she might be buried there, which was endeavour'd at, but prevented by the Minister.

The Third of *May* being fixed by the Calendar for their Execution, and despairing of Mercy, they over Night desired to be hang'd early in the Morning, before the Country came in; and Mrs. *Branch* getting up very early call'd her Daughter, and hurried her to get ready, telling her if she did not make haste the Mob would come in upon them, and they should not be hang'd in Peace. Going out of the Goal Mrs. *Branch* said to a Person by, *I have forgot my Cloak and Clogs, pray fetch them, lest I shou'd catch Cold.* When they came to the Place of Execution, one of the Uprights and the Cross-Post of the Gallows were cut down and carried away, whereupon Mrs. *Branch* for Expedition's Sake, desired to be hang'd on a Tree, but the Gallows being soon repaired, Mrs. *Branch* gave her Cloak and Purse to *Hannah Merefield*, (who kept out of the Way to avoid being an Evidence;) and then, having before instructed herself, help'd to settle the Halter on her

her Daughter's Neck ; and ask'd the Goaler for a Dram, which he refus'd, saying, she had had two before, he thought that enough ; and her own Halter being also fitted, the Block was taken away, and they hung about three Quarters of an Hour ; and were buried in *Ivelchester Church-Yard*.

P. S. It now comes out for certain that the Deceased went to *Faulkland* for the Bran, but not carrying Money for it, *Margaret Budd* would not give Mrs. *Branch* Credit ; and for the poor Girl became an Innocent Victim to her Mistress's Fury.

Somerſet's

Somerset ff. The Information of *Francis Hales* of *Hemington* in the County aforesaid, Gent. *John Craddock* of the same Place, Yeoman, and *Robert Carver* of the same Place, Yeoman ; taken on their Oaths the Ninth Day of *May*, 1740. before me *Robert Smith*, Esq; one of his Majesty's Justices of the Peace of the County aforesaid.

WHO, on their said Oaths, each speaking for himself, severally say, that they were all sworn of the Jury, on the Inquest, taken before *George Hayme*, one of the Coroners of the said County ; concerning the Death of *Jane Buttersworth*, at the Parish of *Hemington*, the 22d Day of *February* last ; and say, each speaking for and concerning himself, that they were all present with the said Coroner, when *Ann James* was first brought before them, and sworn and examined as a Witness, touching the Death of the said *Jane Buttersworth*, and that they were also present during all the Time she was under Examination, both on the said 22d Day of *February*, and the next Day also ; and all say, each still speaking for and as to himself only, that the said *Anne James* never did deny, before the said Coroner and Jury, that she knew how the said *Jane Buttersworth* came by her Death, or who killed her ; but on the contrary say, that the said *Anne James*, when she was first brought before them and sworn, assured them she would tell the Truth, and readily proceeded to give her Evidence of the manner of the said *Jane Buttersworth's* being barbarously beat and killed by *Mrs. Branch* and her Daughter ; but her Evidence being long, her farther Examination was adjourn'd till the next Day. And the said *Francis Hales*, and *John Craddock*, each

each for himself say, that they were present when the Constable took the said *Ann James* and *John Lawrence* into his Custody, at *Faulkland*, which is about half a Mile from the then Dwelling-House of *Mrs. Branch*; and had them to *Faulkland Inn*, where the said *Ann James* soon after she was brought in declared she would speak the Truth, when she came upon her Examination; and frequently so expressed herself, between that time and the time of her Examination, and never to the contrary, as they know or believe. And farther say, that soon after, and while the said *John Lawrence* was so in Custody, the Constable and others in his Aid went away to the said *Mrs. Branch's House*, and brought her and her Daughter to the said Inn; wherefore the said *John Lawrence* could not be with the said *Mrs. Branch* and her Daughter when they were taken; nor do these Informants believe that *Mrs. Branch* or her Daughter knew of any Intention to apprehend them, till they were actually charged by the Constable.

*Sworn the Day and Year
aforesaid, before me,*

ROBERT SMITH.

*Francis Hales,
John Craddock,
Robert Carver.*

Somerset ss. The Information of *William Budd* of the Parish of *Hemington* in this County, Labourer, taken upon Oath before *Joseph Houlton*, Esq; one of his Majesty's Justices of the Peace for this County, the 26th Day of *February*, 1739.

WHO, upon his Oath saith, that he hath been employed occasionally as a Day Labourer, by Mrs. *Elizabeth Branch* of *Hemington* aforesaid, for the space of two Years or thereabouts; and that he knew *Jane Buttersworth*, who he apprehends was Apprenticed to her, and never heard but that she behaved herself as an honest good Servant; and that on *Wednesday* the 13th Instant he went to the House of the said Mrs. *Elizabeth Branch*, and was employed in hauling Faggots; that about Twelve of the Clock at Noon, as he was making a Faggot Pile, together with *Parry Branch*, Son of the said *Elizabeth*, at the End of the Dwelling-House he heard a Person cry very much, and that it appeared to him to be a Woman's Voice, and that some other Person was beating her; and that about One o'Clock the same Day, he went into the said House to Dinner, and in a Court by the Door, saw the above-mentioned *Jane Buttersworth*, scowering the Inside of a Kettle, and soon after came in, when her Mrs. *Elizabeth Branch* order'd her to go and sweep out a Room, whereupon she went out of this Informant's Sight, but whither he knows not, nor did he hear more of her until about Eight of the Clock the same Evening, when *Anne James* called him from his own House, to come up to Mrs. *Branch*'s, and told him that *Jane Buttersworth* was very bad, and that after he had been there about two Hours, the said *Ann*

James came down Stairs, and told this Informant and the said *Parry Branch*, that the Maid, meaning *Jane Buttersworth*, was dead; and farther saith, that *Thursday* the next Day in the Evening Mrs. *Elizabeth Branch* desired him to take the Measure of the Corpse in order for a Coffin; and that *Ann James*, a Servant in the House and he went into the Room, and turned up a Sheet that lay upon it, so far as to see one Leg and Arm, which he perceived to be very black, which he apprehended was occasioned by Bruises; that there was then a Cap upon her Head, which they did not uncover, nor any Part of the Body farther than as aforesaid; and that *Friday* Morning he went to *Froom*, by Order of the said Mrs. *Branch*, and bought a Shroud and Coffin, but never saw the Corpse after *Thursday* Night, when he took the Measure as aforesaid. This Informant further saith, that about Eight Weeks ago, he saw Mrs. *Betty Branch*, Daughter of the said *Elizabeth Branch*, beat the Deceased *Jane Buttersworth*, with a middle size Stick; and that about a Fortnight since, he saw *Ann James* strike her with a Broom-Stick, but believes neither of them did her any Damage; and that he never saw *Ann James* strike her but that once; and further saith not.

Sworn the abovementioned the 26th Day
of February 1739, before me,

JOS. HOULTON.

his
William + Budd.
Mark.

Somerset ff. The Information of *Samuel Webber*, of *Faulkland*, in the Parish of *Hemington* in this County, Labourer; taken upon Oath before *Joseph Houlton*, Esq; one of his Majesty's Justices of the Peace, this 29th Day of *February* 1739.

WH O, upon his Oath faith, that about the beginning of *February* he was employed in Husbandry-Work for Mrs. *Elizabeth Branch*, at *High Church* in the Parish of *Hemington*, and that he knew *Jane Buttersworth* that lived there a Servant, and had heard her talk and cry enough to know her Voice; that *Wednesday* the thirteenth of *February*, as he was at work upon a Faggot Pile adjoining to the House of Mrs. *Branch*, about Nine o'Clock in the Morning, by the Direction of one *William Budd*, he heard the said *Jane Buttersworth* crying very much, as tho' somebody was beating her in the Kitchen, within the House, and at the same Time heard Mrs. *Elizabeth Branch* talking in an angry Manner, and believes it was she that was beating her; and that some time after, he saw the said *Jane Buttersworth* at the Bucket Well, when she look'd as though she had been crying, but did not speak to her. That *Thursday* Evening following, as he was at work in the Field, *Ann James* came to Milking, and told him that the Girl, meaning *Jane Buttersworth* was dead, that she died on *Wednesday* Night, and that the same *Thursday* Evening, when he came home from Work, he found *William Budd* at his Mother's House, who asked him, whether *Ann* told him any thing about the little Maid, he answered, that she had told him she was dead; upon which *William Budd* told this Informant that he believed that 'twas the

cold Weather, and their beating her, (meaning as this Informant apprehended) Mrs. *Branch* and her Daughter, that killed her ; And further faith not.

*Sworn the beforementioned, the 29th
of February 1739, before me,*

JOS. HOULTON.

Samuel Webber.



F I N I S.